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MUR # 5495

July 29, 2004

**BY HAND DELIVERY**

2004 JUL 29 P 12:41  
RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE  
GENERAL COUNSEL

Lawrence M. Norton, Esq.  
General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, DC 20463

Re: <http://www.johnkerry-edwards.org>

Gentlemen:

We are counsel to John Kerry for President, Inc. ("the Committee"), the principal campaign committee of Senator John Kerry, the presumptive nominee of the Democratic Party for President of the United States. It has recently come to our attention that someone is fraudulently soliciting and collecting contributions by electronic mail solicitation and falsely claiming it is authorized by John Kerry for President, Inc.

On Tuesday, July 20, 2004, the Committee sent a solicitation e-mail from the address [info@johnkerry.com](mailto:info@johnkerry.com). The e-mail contained a solicitation link which led to the Committee's authorized website, <http://www.johnkerry.com>.

On Thursday, July 22, it came to the Committee's attention that an almost identical bulk e-mail had been sent. See Attachment A. The e-mail was made to appear as if it were sent from the address [johnkerry@johnkerry.com](mailto:johnkerry@johnkerry.com). The Committee does not and has never sent bulk e-mail from that address. The Committee received over 30,000 undeliverable e-mails to the [johnkerry@johnkerry.com](mailto:johnkerry@johnkerry.com) address.

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The e-mail was virtually identical to the e-mail the Committee sent out on the 20th; however, all links, including the contribution link, were changed to a link to <http://www.johnkerry-edwards.org/index.html>. The Committee does not own this website, nor is it authorized by the Committee.

A WHOIS search of the site [www.johnkerry-edwards.org](http://www.johnkerry-edwards.org) reveals that the website is registered to Connie Bye New Braunfels, TX 78132, at the e-mail address [jkerry@safe-mail.net](mailto:jkerry@safe-mail.net) and the telephone number

This e-mail is fraudulently misrepresenting itself as acting on the behalf of John Kerry for President, Inc. for the purpose of soliciting contributions. See 2 U.S.C. § 441h(b) (2004). We respectfully request that you undertake an immediate investigation of this matter, and promptly take steps to seek appropriate judicial relief to prevent future harm to our client. Please do not hesitate to contact us if you have any questions or need further information.

Very truly yours,



Marc Elias

Brian G. Svoboda

Ezra W. Reese

Counsel to John Kerry for President, Inc.

DISTRICT OF COLUMBIA

SUBSCRIBED AND SWORN to before me this 29<sup>th</sup> day of July, 2004.

  
Notary Public

My Commission Expires:

LIMMIE L. TYLER

Notary Public District of Columbia

My Commission Expires 12/14/08

Attachments

26044141894

## ATTACHMENT A

> From: Support [mailto:johnkerry@johnkerry.com]  
> Sent: Wednesday, July 21, 2004 11:18 PM  
> To: Voter  
> Subject: Whos got your vote  
> Importance: High  
>  
>  
> <[http://www.johnkerry.com/emails/gen\\_images/pixel.gif](http://www.johnkerry.com/emails/gen_images/pixel.gif)>  
> <[http://www.johnkerry.com/emails/gen\\_images/pixel.gif](http://www.johnkerry.com/emails/gen_images/pixel.gif)>  
> Kerry-Edwards 2004  
> <[http://www.johnkerry.com/emails/gen\\_images/banner2.gif](http://www.johnkerry.com/emails/gen_images/banner2.gif)>  
> <[http://www.johnkerry.com/emails/gen\\_images/pixel.gif](http://www.johnkerry.com/emails/gen_images/pixel.gif)>  
> <[http://www.johnkerry.com/emails/gen\\_images/pixel.gif](http://www.johnkerry.com/emails/gen_images/pixel.gif)>  
> Join John Edwards on an exclusive conference call at 7:00 p.m. EDT  
>  
> Sign up to host a convention watching party and be a part of the  
John  
> Edwards conference call <<http://www.johnkerry-edwards.org/index.html>>  
>  
>  
> For parties starting at a later time, a replay of the call will  
begin  
> at 8:00 p.m. EDT  
>  
>  
>  
> Dear Friend,  
>  
> Next Thursday night, July 29, while John Kerry accepts the  
Democratic  
> nomination, our supporters everywhere will be gathering to watch at  
> convention parties in thousands of homes, restaurants, and public  
> meeting halls across the country. This is the first time a  
> presidential campaign has ever kicked off the general election with so  
  
> much energy and grassroots support.  
>  
> You can set up your own convention party in just minutes here.  
>  
> <http://johnkerry.com/convention>  
> <<http://www.johnkerry-edwards.org/index.html>>  
>  
> Or find one to attend in your town here  
>  
> <http://johnkerry.com/parties>  
> <<http://www.johnkerry-edwards.org/index.html>>

>  
> For millions of Americans, next Thursday night is the beginning  
of  
> the presidential election It's an opportunity to bring hundreds of  
> thousands of new people into our campaign. When John Kerry accepts his  
  
> party's nomination, it will be a special moment -- his one chance to  
> lay out his vision for the country, uninterrupted, and with the  
> undivided attention of the nation.  
>  
> At thousands of events in 50 states, Washington, D C , and four  
> territories, our supporters are going to convert this night into an  
> organizing opportunity Last week we set a goal to sign up 100,000 new  
  
> volunteers in one night at our convention parties. Now we're poised to  
  
> blow past that goal.  
>  
> Holding a convention party is easy. All you need is a television  
and  
> a few friends Sign up as a party host so that we can count your event  
  
> in our total.  
>  
> [http //johnkerry.com/convention](http://johnkerry.com/convention)  
> < <http://www.johnkerry-edwards.org/index.html> >  
>  
> Sincerely,  
>  
> Mary Beth Cahill  
> Campaign Manager  
>  
> To contact John Kerry for President, please click here  
> < [http //www.johnkerry-edwards.org/index.html](http://www.johnkerry-edwards.org/index.html) > . Please do not reply to  
  
> this message  
>  
> < [http://www.johnkerry.com/emails/gen\\_images/pixel.gif](http://www.johnkerry.com/emails/gen_images/pixel.gif) >  
> < [http //www.johnkerry.com/emails/gen\\_images/div\\_blue.gif](http://www.johnkerry.com/emails/gen_images/div_blue.gif) >  
>  
> Keep the ball rolling.  
> Contribute! < <http://www.johnkerry-edwards.org/index.html> >  
>  
> < [http://www.johnkerry.com/emails/gen\\_images/div\\_blue.gif](http://www.johnkerry.com/emails/gen_images/div_blue.gif) >  
> We apologize if you received this message in error. Click here  
to  
> unsubscribe < <http://www.johnkerry-edwards.org/index.html?global=true> >  
> from our mailing list  
>

- > Contributions or gifts to John Kerry for President, Inc. are not
- > deductible for federal income tax purposes.
- > John Kerry for President, P O Box 34640, Washington DC, 20043,
- > U S A
- >
- >
- > Paid for by John Kerry for President, Inc
- >
- >
- > Federal law requires us to use our best efforts to collect and report
- > the name, mailing address, occupation and name of employer of
- > individuals whose contributions exceed \$200 in an election cycle
- >
- >
- > < [http //www johnkerry com/emails/gen\\_images/pixel gif](http://www.johnkerry.com/emails/gen_images/pixel.gif)>

26044141897

August 12, 2004

MUR 5495

Dear Sirs:

The first I new anything about this fraud was

a report that someone has stolen my identity. I Have charges on my credit Card As well as a charge on my e-bay account (enclosed are copies) I offered my computer so he could Look for more information, he will let me know if he need this to help. I will do what I can to help find Who stole my I.D. as this will effect me as well as Mr. Kerry's real web sight...I am here to answer any I am here to answer any question as you need.

Thanks so much for:

*Connie By*  
Connie Bye

RECEIVED  
FEDERAL BUREAU OF INVESTIGATION  
OFFICE OF THE ATTORNEY GENERAL  
CLERK

AUG 17 A 9 55

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